

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LKQ CORPORATION, and KEYSTONE  
AUTOMOTIVE INDUSTRIES, INC.,

Plaintiffs,

v.

KIA AMERICA, INC. and  
KIA CORPORATION,

Defendants.

Civil Action No. 1:21-cv-03166

The Honorable Nancy Maldonado

The Honorable Magistrate Sunil R. Harjani

**PLAINTIFFS' OPPOSED MOTION TO  
DEEM ADMITTED CERTAIN REQUESTS FOR ADMISSION**

Pursuant to Fed. R. Civ. P. 36(a)(6), Plaintiffs LKQ Corporation and Keystone Automotive Industries, Inc. ("LKQ") respectfully request that this Motion be granted, and this Court enter an Order against Defendants Kia America, Inc. and Kia Corporation ("Kia") deeming admitted Kia's responses to the following Requests for Admissions:

- (1) RFA Nos. 1108-1112, 1147-1151, 1186-1190, 1221-1225, 1256-1260, 1291-1295, 1326-1330, 1361-1365, 1396-1400, 1431-1435, 1466-1470, 1501-1505, 1536-1540, and 1571-1575 ("Public Use RFAs"), relating to the reasons Kia conducted these same consumer clinics;
- (2) RFA Nos. 1004-1036 dealing with Kia's apparent failure to disclose the consumer clinics at issue in this case to its prosecution counsel; and
- (3) RFA Nos. 1686-1703 relating to one of LKQ's defenses of noninfringement.

In the alternative, LKQ respectfully requests that this Court compel Kia to serve amended responses within seven (7) days.

LKQ understands the importance of Local Rule 37.2 wherein the parties must meet and confer in a good faith basis regarding any discovery requests at issue. Accordingly, on the topics raised herein, counsel for LKQ and Kia met and conferred telephonically on:

- October 13, 2022 (approximately one hour): Michael P. Bregenzer attending on behalf of LKQ and Thomas Burns attending on behalf of Kia;
- November 17, 2022 (approximately 50 minutes): Michael P. Bregenzer attending on behalf of LKQ and Thomas Burns attending on behalf of Kia; and
- December 16, 2022 (more than two hours): Michael P. Bregenzer and Ed Runyan attending on behalf of LKQ, for some of this meet and confer, and Michael P. Bregenzer there for the entire meet and confer, and Thomas Burns attending on behalf of Kia.

After meeting and conferring numerous times relating to Kia's refusal to provide a substantive response to LKQ's RFAs, the parties are at an impasse as Kia will not resolve the outstanding discovery issues discussed in detail in LKQ's Memorandum in Support of its Motion to Deem Admitted Certain Requests for Admission. Accordingly, LKQ respectfully requests that this Court grant LKQ's Motion.

Dated: December 22, 2022

Respectfully submitted,

By: /s/ Michael P. Bregenzer

Barry F. Irwin, P.C.

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*Attorneys for Plaintiffs LKQ Corporation &  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served via ECF on December 22, 2022,  
upon all counsel of record.

/s/ Gloria Rios  
Gloria Rios